IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1855 of 2005

With

SPECIAL CIVIL APPLICATION No. 1856 of 2005

To

SPECIAL CIVIL APPLICATION No. 1859 of 2005

With

SPECIAL CIVIL APPLICATION No. 9699 of 2005

With

CIVIL APPLICATION No. 2580 of 2005

With

CIVIL APPLICATION No. 2579 of 2005

With

CIVIL APPLICATION No. 2775 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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BARODA CENTRAL CO OP BANK STAFF CO OP CREDIT SOC.LTD. - Petitioner(s)

Versus

STATE OF GUJARAT &2 - Respondent(s)

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Appearance :
MR TUSHAR MEHTA for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1 - 2.
MR SN THAKKAR for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 30/11/2005

COMMON ORAL JUDGMENT

1.In all these matters, the Baroda Central Co. Op. Bank Staff Co. Op. Credit Society Limited, petitioners, have filed petitions under Articles 226/227 of the Constitution of India, for a writ of certiorari for quashing and setting aside the order dated 3rd February, 2005, passed by the Deputy Secretary (Appeals), Agriculture and Co-operation Department, under provisions of Sec.155 of the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the Act") being Application No.127 of 2004. The said authority by its impugned order pleased to partly allowed Revision Application No.127 of 2004 and stayed the order of the District Registrar dated 10th September, 2004, in view of the earlier order of this Court and remand the matter and directed the District Registrar to decide the matter and also directed that till District Registrar decides, the applicant Ganpatsinh Mavsinh Solanki and other people holding the post, they will continue to hold the post in this behalf.

2.It may be noted that, in one case, the Registrar, Co-operative Societies, District Baroda, issued a show-cause-notice dated 28th July, 2004, to respondent No.3 herein. After hearing the respondent No.3, the District Registrar passed an order dated 10thSeptember, 2004, under Section 76B of the Act (i.e. Removal of the officer).

1.Being aggrieved and dissatisfied with the said order dated 10th September, 2004, the Baroda Central Co-op. Bank Staff Co-op. Credit Society Ltd. - petitioner herein filed a petition before this Court being Special Civil Application No.1855 of 2005, and after hearing the learned advocates, this Court issued Rule and also granted interim

relief by order 11.2.2005. It may be noted that it was an ex-parte order and otherside was not heard on that day.

1. Thereafter, in that case, those petitioners desire to withdraw the petition. But, before withdrawal order is passed, another petition is filed by Jai Ambe Hari Om Fal Ane Shak Bhaji Utpadako Ni Sahkari being Special Civil Application No.14829 of 2005 before this Court challenging the same order.

1. It may be noted that in the said Special Civil Application (i.e. SCA No.14829 of 2005), the matter was heard at length for admission and also for interim relief and this Court in the said matter by its interim order dated 25th November, 2005, pleased to issue Rule but did not grant interim relief which was given in the earlier matter i.e. Special Civil Application No.1855 of 2005.

1. In view of this, the petitioner desires to withdraw the petition (i.e. SCA No.1855 of 2005 and allied matters). But, as indicated above, this Court did not pass the order on 31st March, 2005, as well as 20th July, 2005. However, in view of the communication dated 11th July, 2005, addressed by the Baroda Central Bank Ltd., and the resolution placed therein and Mr.Harin Raval, learned advocate has identified the petitioner and prayed that the petition may be withdrawn at this stage (i.e. SCA No.1855/2005 and allied matters).

1. In view of this subsequent development, Special Civil Applications No.1855 to 1859 of 2005, as well as Special Civil Application No.9699 of 2005 are now permitted to be withdrawn at this stage. The petitions are accordingly disposed of as withdrawn. Rule is discharged in each of the petition with no order as to costs.
2. In view of this development, Civil Application No.2580 of 2005 which is filed in Special Civil Application No.1857 of 2005 for vacating interim relief will not survive and therefore the same is disposed of.
3. Civil Application No.2579 of 2005 filed in Special Civil Application No.1855 of 2005 also does not survive and accordingly the same is disposed of.
4. Civil Application No.2775 of 2005 filed in Special Civil Application No.1859 of 2005 also does not survive and accordingly the same is disposed of.

(K.M.MEHTA, J.)

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